

Before the
Federal Communications Commission
Washington, D.C. 20554

In the Matter of)	
)	
Amendment of Section 73.202(b))	
Table of Allotments,)	
FM Broadcast Stations.)	
(Kerman, California)	)	MB Docket No. 04-301
	)	RM-10969
)	
(Lockney, Texas)	)	MB Docket No. 04-302
	)	RM-11020
)	
(Lone Wolf, Oklahoma)	)	MB Docket No. 04-303
	)	RM-11025
)	
(Quanah, Texas)	)	MB Docket No. <u>04-304</u>
	)	RM-11021
)	
(Orchard Mesa, Colorado)	)	MB Docket No. 04-306
	)	RM-10754
)	
(Rising Star, Texas)	)	MB Docket No. 04-307
	)	RM-10982
)	
(Twentynine Palms, California)	)	MB Docket No. 04-308
	)	RM-10973
)	
(Waterford, California)	)	MB Docket No. 04-309
	)	RM-10974

REPORT AND ORDER
(Proceeding Terminated)

Adopted: May 2, 2005

Released: May 4, 2005

By the Assistant Chief, Audio Division, Media Bureau:

1. The Audio Division has before it *Notices of Proposed Rule Making*,¹ specified below, setting forth eight separate proposals to allot a FM channel to a specific community. Each petitioner filed comments in support of its proposal reaffirming its intention to apply for the specified channel, if allotted. Each proposal complies with all Commission technical requirements and we continue to believe that each proposal would serve the public interest. Accordingly, we adopt each proposal as originally proposed. These are as follows:

¹ *Kerman, California et al.*, 19 FCC Rcd 15303 (MB 2004).

A. MB Docket No. 04-301; RM-10969

Action: At the request of Linda A. Davidson, we are allotting Channel 224A at Kerman, California, as its third local aural transmission service.

Coordinates: The reference coordinates for Channel 224A at Kerman are 36-40-37 North Latitude and 120-12-08 West Longitude.

Additional Information: The allotment requires a site restriction of 13.8 kilometers (8.6 miles) west to avoid a short-spacing to the license sites of FM Station KZFO, Channel 224B, Clovis, California and FM Station KMJO, Channel 224B1, Marina, California.

FCC Contact: Rolanda F. Smith (202) 418-2180

B. MB Docket No. 04-302; RM-11020

Action: At the request of Charles Crawford, we are allotting Channel 271C3 at Lockney, Texas, as its first local aural transmission service.²

Coordinates: The reference coordinates for Channel 271C3 at Lockney are 34-05-00 North Latitude and 101-23-15 West Longitude.

Additional Information: This allotment requires a site restriction of 6.7 kilometers (4.2 miles) southeast to avoid short-spacing to the vacant allotment site of Channel 269A at Turkey, TX and the license sites of FM Station KATP, Channel 270C1, Amarillo, Texas and Station KZII-FM, Channel 273C1, Clovis, New Mexico.

FCC Contact: Rolanda F. Smith (202) 418-2180

C. MB Docket No. 04-303; RM-11025

Action: At the request of Charles Crawford, we are allotting Channel 224A at Lone Wolf, Oklahoma, as its first local aural transmission service.³

Coordinates: The reference coordinates for Channel 224A at Lone Wolf are 34-58-53 North Latitude and 99-09-53 West Longitude.

Additional Information: This allotment requires a site restriction of 7.8 kilometers (4.8 miles) east to avoid short-spacing to the license sites of Station KOMA-FM, Channel 223C, Oklahoma, Oklahoma,

² As discussed in the *Notice*, Lockney is an incorporated city listed in the 2000 US Census with a population of 2,207 persons. Lockney has its own mayor, post office, volunteer fire department, school system, city offices, and a number of churches and commercial establishments.

³ As stated in the *Notice*, Lone Wolf is an incorporated city listed in the 2000 US Census with a population of 500 persons. Lone Wolf has its own mayor, post office, volunteer fire department, police department, public schools, city offices, and a number of churches.

Station KNIN-FM, Channel 225C1, Wichita Falls, Texas and FM Station KBKH, Channel 225C2, Shamrock, Texas.

FCC Contact: Rolanda F. Smith (202) 418-2180

D. MB Docket No. 04-304; RM-11025

Action: At the request of Charles Crawford, we are allotting Channel 255C3 at Quanah, Texas, as its second local aural transmission service.

Coordinates: The reference coordinates for Channel 255C3 at Quanah are 34-10-04 North Latitude and 99-46-49 West Longitude.

Additional Information: This allotment requires a site restriction of 14.9 kilometers (9.3 miles) south to avoid short-spacing to the vacant allotment site of Channel 254A at Seymour, Texas and the license site of FM Station KRII, Channel 253C, Elk City, Oklahoma.

FCC Contact: Rolanda F. Smith (202) 418-2180

E. MB Docket No. 04-306; RM-10659

Action: At the request of Dana J. Puopolo, we are allotting Channel 249C3 at Orchard Mesa, Colorado, as its first local aural transmission service.⁴

Coordinates: The reference coordinates for Channel 249C3 at Orchard Mesa are 39-04-47 North Latitude and 108-36-00 West Longitude.

Additional Information: This allotment requires a site restriction of 5.8 kilometers (3.6 miles) northwest to avoid short-spacing to the vacant allotment site of Channel 249C3 at Aspen, Colorado.

FCC Contact: Rolanda F. Smith (202) 418-2180

⁴ As stated in the *Notice*, Orchard Mesa is listed in the 2000 U.S. Census as a Census Designated Place ("CDP") located in Mesa County, Colorado with a population of 6,456 persons. A U.S. Census designation of an area as a CDP raises the presumption that an area is a "community" for allotment purposes, that presumption is rebuttable.⁴ Therefore, the Petitioner was asked to submit additional information demonstrating that Orchard Mesa is a "community" for allotment purposes. In its comments, Petitioner stated that Orchard Mesa is a village located within the city of Grand Junction, Colorado. Orchard Mesa has its own zip code (81503) and telephone exchange (970-242), elementary school, middle school, library, Veteran's Hospital, landfill, community center, cemetery, sanitation district, four churches, two real estate offices. Orchard Mesa has commercial establishments that bear the name "Orchard Mesa" such as Orchard Mesa Liquors, Orchard Mesa Laundromat, Orchard Mesa True Value Hardware, Orchard Mesa Super Wash, Orchard Mesa Market, and Orchard Mesa Lanes. Based on the information provided by the Petitioner, we conclude that Orchard Mesa is a "community" for allotment purposes.

F. MB Docket No. 04-307; RM-10982

Action: At the request of Charles Crawford, we are allotting Channel 290C3 at Rising Star, Texas, as its first local aural transmission service.⁵

Coordinates: The reference coordinates for Channel 290C3 at Rising Star are 32-05-54 North Latitude and 98-58-00 West Longitude.

Additional Information: This allotment is at city reference coordinates and requires no site restriction.

FCC Contact: Rolanda F. Smith (202) 418-2180

G. MB Docket No. 04-308; RM-10973

Action: At the request of Dana J. Puopolo, we are allotting Channel 270A at Twentynine Palms, California, as its third FM commercial aural transmission service.⁶

Coordinates: The reference coordinates for Channel 270A at Twentynine Palms are 34-09-41 North Latitude and 116-03-47 West Longitude.

Additional Information: This allotment requires a site restriction of 3.5 kilometers (2.2 miles) north to avoid short-spacing to the license site of FM Station KWID, Channel 270C, Las Vegas, Nevada and Mexican Station XHPF-FM, Channel 270B, Mexicali, BN.

Although concurrence has been requested for Channel 270A at Twentynine Palms, notification has not been received. If a construction permit is granted prior to the receipt of formal concurrence in the allotment by the Mexican government, the construction permit will include the following condition: "Use of this allotment is subject to suspension, modification, or termination without right to hearing, if found by the Commission to be necessary in order to conform to the 1992 USA-Mexico FM Broadcast Agreement or if specifically objected to by Mexico's Secretaria de Comunicaciones Y Transportes."

FCC Contact: Rolanda F. Smith (202) 418-2180

H. MB Docket No. 04-309; RM-10974

Action: At the request of Linda A. Davidson, we are allotting Channel 294A at Waterford, California, as its first local aural transmission service.⁷

Coordinates: The reference coordinates for Channel 294A at Waterford are 37-40-21 North Latitude and

⁵ As stated in the *Notice*, Rising Star is an incorporated city listed in the 2000 US Census with a population of 835 persons. Rising Star has its own mayor along with six city councilmen. Rising Star also has an elementary, junior high and high school with a student population of 240 students.

⁶ AM Station KQYN is also assigned to Twentynine Palms.

⁷ As indicated in the *Notice*, Waterford is an incorporated city listed in Stanislaus County in northern California with a 2000 U.S. Census population of 6,924 persons.

120-38-26 West Longitude.

Additional Information: This allotment requires a site restriction of 11.1 kilometers (6.9 miles) east to avoid short-spacing to the license site of FM Station KEZR, Channel 293B, San Jose, California.

FCC Contact: Rolanda F. Smith (202) 418-2180

2. Accordingly, pursuant to the authority found in 47 U.S.C. Sections 4(i), 5(c)(1), 303(g) and (r) and 307(b), and 47 C.F.R. Sections 0.61, 0.204(b) and 0.283, IT IS ORDERED, That effective April 18, 2005, the FM Table of Allotments, 47 C.F.R. Section 73.202(b), IS AMENDED, with respect to the communities listed below, to read as follows:

<u>Community</u>	<u>Channel No.</u>
Kerman, California	224A, 232A, 237A
Twentynine Palms, California	242A, 270A, 299B1
Waterford, California	294A
Orchard Mesa, Colorado	249C3
Lone Wolf, Oklahoma	224A
Lockney, Texas	271C3
Quanah, Texas	255C3, 265C3
Rising Star, Texas	290C3

3. The Commission will send a copy of this *Report and Order* in a report to be sent to Congress and the General Accounting Office pursuant to the Congressional Review Act, *see* 5 U.S.C. 801(a)(1)(A).

4. The window period for filing applications for these allotments will not be opened at this time. Instead, the issue of opening these allotments for auction will be addressed by the Commission in a subsequent order.

5. IT IS FURTHER ORDERED, That the aforementioned proceedings ARE TERMINATED.

6. For further information concerning a specific docket, contact the FCC Contact listed above for that docket.

FEDERAL COMMUNICATIONS COMMISSION

John A. Karousos
Assistant Chief
Audio Division
Media Bureau